

REMARKS

This is in response to the Office Action of December 12, 2007. Claims 1, 4, 6-14, 16, 17, 19-22, 48-53, 55-59 and 65 are pending in the present application, of which claim 49 is independent. Claims 56-59 were previously withdrawn. At the outset, Applicants wish to thank the Examiner for accepting the drawings submitted on September 12, 2003.

In the Office Action, the Examiner 1) rejected claim 49, 9 and 55 under 35 USC 102(b) as being anticipated by EP Patent No. 1106192 (equivalent to US 7,060,183 to Goudaliez); 2) rejected claims 1, 4, 6-8, 11-13, 16-17 and 50-52 under 35 USC 103 as being unpatentable over EP '192 in further view of US 6,168,653 to Meyers or US 4,157,967 to Meyst or US 4,326,957 to Rosenberg or US 5,269,917 to Stankowski; 3) rejected claims 19-21 and 48 under 35 USC 103 as being unpatentable over EP '192 in further view of US 4,009,714 to Hammer; 4) rejected claim 22 under 35 USC 103 as being unpatentable over the prior art as applied to claim 19 above, in further view of Published Application 2001/0009756 to Hei; 5) rejected claim 10 under 35 USC 103 as being unpatentable over EP '192 in further view of Meyst; 6) rejected claim 14 under 35 USC 103 as being unpatentable over the prior art applied to claim 13 above and in further view of US 4,453,927 to Sinko; 7) rejected claim 53 under 35 USC 103 as being unpatentable over EP '192 in further view of either US 3,864,265 to Markley or US 4,163,721 to Lobdell and 8) rejected claim 65 under 35 USC 103 as being unpatentable over EP '192 in further view of US 6,364,864 to Mohiuddin.

Applicants respectfully submit that the pending claims are not anticipated and would not have been obvious in view of the prior art as set forth in detail below.

Independent Claim 49 Is Not Anticipated by EP Patent No. 1106192 (equivalent to US 7,060,183 to Goudaliez)

Applicants turn first to the rejection of independent claim 49 and the respective dependent claims under 35 USC 102(b) as being anticipated by EP Patent No. 1106192 (equivalent to US 7,060,183 to Goudaliez). Without acquiescing in the Examiner's rejection, Applicants have amended claim 49 to include the features of dependent claim 53 and certain features of dependent claim 1. Claim 53 is being cancelled herein.

Specifically, claim 49, as amended, is directed to a flow-through device for removing selected compounds from a liquid. Amended claim 49 requires, among other things, a housing including a pair of side walls welded together near their peripheries to provide a peripheral end wall, said side walls and end wall defining a chamber. The housing includes at least one injection port in flow communication with the chamber. The housing also includes separate inlet and outlet ports communicating with the chamber. A removal medium is located within the chamber between the walls. Amended claim 49 further provides that the removal medium includes a peripheral end surface terminating interior to the peripheral end wall of the housing thereby defining a gap between the peripheral end surface and the peripheral end wall wherein the removal medium peripheral end is in contact with a liquid impermeable barrier. The liquid impermeable barrier comprises an injectable material injected through the injection port. The injectable material substantially fills the gap located between the peripheral end surface of the removal medium and the peripheral end wall of the housing.

Applicants respectfully submit that Goudaliez does not describe or suggest a flow-through device as presently claimed. In particular, Goudaliez does not disclose a flow-through device comprising (1) a housing with at least one injection port in flow communication with an interior chamber of the housing and (2) a liquid impermeable barrier comprising an injectable material which is injected through the injection port substantially filling the gap between a peripheral end surface of a removing medium and a peripheral end wall of the housing. As described in the specification of the present published application and as shown in Figures 27 and 28, an injectable material, i.e. "sealant" 92 may be injected into the gap 90. Injection ports 94 may be provided in housing portions 44 and/or 46. The injectable liquid impermeable barrier, once injected into the gap, effectively seals the gap and prevents liquid from bypassing the removal media 60. Moreover, it allows for introduction of injectable material after the housing has been assembled. Injection of the barrier material allows it to flow into the gap 90 of housing chamber 42, and substantially filling the gap, thereby ensuring that the biological fluid cannot bypass the removal medium. See page 5, para. [0068] of the published application. These features are not found, and the above-described advantages are not achieved in the prior art, namely Goudaliez.

In contrast, Goudaliez describes a filtering unit comprising a rigid outer casing. Goudaliez describes "association means" in the form of a bead of adhesive dispersed between the periphery of the filter and the inside face of the rigid wall. However, the rigid outer casing of Goudaliez does not include an injection port (separate from the inlet and outlet port) that is in flow communication with an interior chamber of a housing as set forth in claim 49. Thus, it is clear that Goudaliez also does not disclose a liquid impermeable barrier that is injected through an injection port, thereby substantially filling a gap between a

peripheral end surface of a removal medium and a peripheral end wall of a housing as presently claimed.

Thus, for at least these reasons, Applicants submit that amended claim 49 and the respective dependent claims are not anticipated and would not have been obvious over the cited reference.

The Dependent Claims Are Not Anticipated and Would Not Have Been Obvious Over The Cited References

The dependent claims are all dependent from amended independent claim 49. For the reasons already stated hereinabove, amended claim 49 is not anticipated and would not have been obvious over Goudaliez and accordingly, Applicants submit that the claims dependent on claim 49 are also not anticipated and would not have been obvious over Goudaliez.

Further, none of the additional references cited by the Examiner describe any of the subject matter missing from the Goudaliez patent and are not properly combinable with Goudaliez to render the claimed invention obvious.

Conclusion

For the reasons set forth above, Applicants submit that the claims are not anticipated or obvious in view of the prior art, and are now in condition for allowance. Reconsideration and allowance of such claims are respectfully requested.

Date March 24, 2008

Respectfully submitted,



Andrew G. Kolomayets
Registration No. 33,723

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street – Suite 2850
Chicago, IL 60606
(312) 236-8500